



Docket No. 7157-500

DECLARATION AND POWER OF ATTORNEY

As below named inventors, We hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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the specification of which (check one) is:

☐ attached hereto

☒ was filed on September 17, 2003
as Application Serial No. 10/664,844
and amended on _____ (if applicable).

☐ was described and claimed in PCT Application No.

filed on _____ and amended under Article 19 on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

<u>Serial Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed</u> (Y/N)
60/412,151	US	9/19/02	Y

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Serial Number</u>	<u>Filing Date</u>	<u>Status</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint:

Ira J. Schaefer	Reg. No. 26,802
Russell DeClerck	Reg. No. 46,364
Mitchell S. Feller	Reg. No. 42,530
Ernest Yakob	Reg. No. 45,893

all of the firm of Hogan & Hartson L.L.P., 875 Third Avenue, New York, New York 10022, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all communications to:

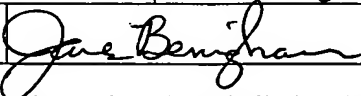
Ira J. Schaefer
Hogan & Hartson L.L.P.
875 Third Avenue
New York, NY 10022
212-918-8228 (tel)

Wherefore I request that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Name of joint inventor # 1	Andy Werback		
Inventor's signature	<i>Andy Werback</i>	Date	12/22/07
Residence	3670 Weedon Court, San Jose, CA 95132		
Citizenship	United States of America		
Post Office Address	3670 Weedon Court, San Jose, CA 95132		

Name of joint inventor # 2	Nhan Nguyen		
Inventor's signature	<i>Nhan Nguyen</i>	Date	12/22/2003
Residence	4940 Gention Court, San Jose, CA 95111		
Citizenship	United States		
Post Office Address	4940 Gention Court, San Jose, CA 95111		

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Name of joint inventor # 3	James Beninghaus		
Inventor's signature		Date	12/22/03
Residence	3754 Acapulco Drive, Campbell, CA 95008		
Citizenship	United States		
Post Office Address	3754 Acapulco Drive, Campbell, CA 95008		

ASSIGNMENT

Andy Werback, a citizen of the United States of America and residing at 3670 Weedon Court, San Jose, CA 95132;

Nhan Nguyen, a citizen of the United States of America and residing at 4940 Gentry Court, San Jose, CA 95111; and

James Benninghaus, a citizen of the United States of America and residing at 3754 Acapulco Drive, Campbell, CA 95008

hereafter called "the Assignors", have made certain inventions and discoveries which are described in the patent specification entitled:

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☐ executed by us on the date indicated on the accompanying Declaration, preparatory to applying for Letters Patent therefor

☒ for U.S. Patent Application Serial No. 10/664,844, filed September 17, 2003

Whereas, Symbol Technologies, Inc., a corporation organized and existing under and by virtue of the laws of Delaware and having offices and doing business at One Symbol Plaza, Holtsville, NY 11742-1300 hereafter called "the Assignee", is desirous of acquiring the title, rights, benefits and privileges recited below, and of confirming the same or any part thereof heretofore acquired by Assignee.

Now, this indenture witnesses that for good and valuable consideration, the receipt of which is hereby acknowledged, we hereby do assign the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, and any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or discoveries or upon said applications, and any and all Letters Patent, utility models, design registrations, reissues and extensions of any Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

We hereby authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;

We authorize and request the Commissioner of Patents of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as the Assignee may direct;

We warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

We hereby covenant and agree and bind our respective heirs, legal representatives and assigns to sign all papers and drawings, take all rightful oaths, execute all rightful affidavits, and do all acts necessary or required to be done for the procurement and maintenance of Letters Patent or other form of protection for said invention in the United States and foreign countries, and for further investing or confirming the right and title thereto in the Assignee, its successors, assigns or nominees, without charge to or additional consideration from said Assignee, its successors, assigns or nominees.

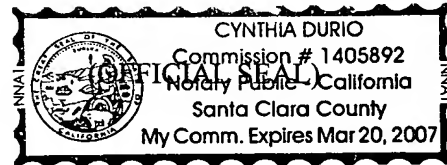
The undersigned declare under penalty of perjury under the laws of the United States of America that they have signed this document as their own free act and that all of the foregoing is true and correct.

Andy Werback
Andy Werback

State of California)
) :ss
County of Santa Clara)

On this 22nd day of December, 2003 before me appeared Andy Werback, to me known and to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Cynthia Durio
Notary Public

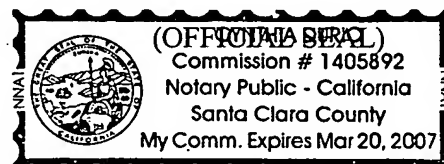


Nhan Nguyen
Nhan Nguyen

State of California)
) :ss
County of Santa Clara)

On this 22nd day of December, 2003 before me appeared Nhan Nguyen, to me known and to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Cynthia Durio
Notary Public



James Beninghaus
James Beninghaus

State of California)
County of Santa Clara):ss

On this 22 day of December, 2003 before me appeared James Beninghaus, to me known and to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Cynthia Durio
Notary Public

